

TITLE 8
Fire Protection

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TITLE 8
FIRE PROTECTION

Chapter: 8.04 The Uniform Fire Code
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Chapter 8.04

THE UNIFORM FIRE CODE

Sections:

8.04.010 Adoption of Uniform Codes by Reference.
8.04.020 Amendments to Uniform Fire Code(s).

8.04.030 Fire Prevention Development Standards.
8.04.040 Storage of Combustible or Explosive Materials.

8.04.010 Adoption of Uniform Codes by Reference.

Subject to the amendments provided for in Section 8.04.020, the following Uniform Codes and certain appendix chapters and references therein are hereby adopted by reference and shall be known as the City of Santa Barbara Fire Code: The Uniform Fire Code, 2000 Edition, Volume 1, including Appendix Chapters I-A, I-B, I-C, II-A, II-B, II-C, II-D, II-E, II-F, II-H, II-I, II-K, III-C, IV-B, V-A, VI-C, VI-D, VI-E, VI-G, VI-H, VI-I, published by the International Fire Code Institute, and including The 2001 California Fire Code, Title 24, Part 9 of the California Code of Regulations.

Said codes and any standards and secondary codes adopted by reference and the amendments therein, are on file and available for public inspection in the office of the City Clerk. (Ord. 5257, 2002; Ord. 5100, 1999; Ord. 4964, 1996.)

8.04.020 Amendments to Uniform Fire Code(s).

In response to local climatic, geological and topographical conditions, the Uniform Codes adopted by reference by Section 8.04.010 are amended as follows:

- A. **Section 103.1.4.1 "Appeals"** is amended to read as follows:
103.1.4.1 Appeals.

1. General. In order to hear and decide appeals of orders, decisions or determinations made by the Fire Chief or Chief Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Building and Fire Code Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Fire Chief or Chief Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote on any matter before the Board. The members of the Building and Fire Code Board of Appeals shall be appointed by the City Council and shall hold their offices at its pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Chief or Chief Building Official.

2. Limitations of Authority. The Building and Fire Code Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code.

3. Alternatives. The Board may consider alternative designs, materials and methods of work, provided the Board finds the proposed alternative design, material or method of work is, for the purpose intended, at least the equivalent of that prescribed in the fire or technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

4. Appointments. The City Council shall appoint individuals to an eligibility list. Appeals shall be scheduled before five members selected from the eligibility list by the Community Development Director or the Fire Chief.

5. Quorum. It shall take a quorum of three members to hear an appeal and a majority vote of the Board convened to sustain an appeal.

6. Chairperson. The chairperson shall be selected by the convened Board. The chairperson shall maintain order, and conduct the meeting in accordance with paragraphs 9 and 10 below.

7. Meetings. The Board shall meet when needed to hear an appeal or when needed to transact business of the Board. Either the Chief Building Official or the Fire Chief or their designee shall act as Secretary to the Board.

8. Board Decisions. The decision of the Building and Fire Board of Appeals shall be final on all matters of appeals and shall become an order to the Appellant, Chief Building Official or Fire Chief as may be appropriate.

9. Procedures. The Chief Building Official or Fire Chief may use the "Procedures for Conduct of Hearing Appeals" in accordance with Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings for appeals. The Board may select alternate procedures by a unanimous vote of the convened board, as they may deem appropriate.

10. Procedural Rules. Appeal hearings shall be conducted substantially in accordance with the following format:

- (a) The Chairperson shall call the meeting to order.
- (b) The Chairperson shall note board members present for the minutes.
- (c) The Chairperson shall recognize the Chief Building Official or Fire Chief for presentation of the appeal. The Chief Building Official or Fire Chief shall read his/her recommendation to the Board. This recommendation shall be the standing motion before the Board.
- (d) The Chairperson shall recognize the Appellant for presentation of rebuttals.
- (e) All witnesses must be called by either the appellant, the Chief Building Official or the Fire Chief and may be cross-examined respectively.
- (f) After a motion to amend, accept or deny the standing motion has been made and seconded, the Board may entertain comments from the public.
- (g) The Board shall vote on the standing or amended motion.
- (h) The Chairperson shall adjourn the meeting at the end of business.
- (i) The Secretary shall prepare minutes for the record and shall serve as custodian of case records and said minutes.

B. **Section 103.4.5 "Unsafe Buildings"** is amended by adding:

103.4.5.1 Securing Structures. The owner, occupant or other person in control of any real property or any building, structure or materials on any real property which are damaged by fire shall secure the property and any building, structure or materials thereon by boarding up all openings, erecting fencing or barricades, or any other appropriate measures as directed by the Chief.

Within thirty (30) days of written notice from the Chief, all debris and fire damaged materials shall be removed from the property or proof shall be furnished that contract arrangements have been made for the removal of all debris and fire damaged material and the demolition, replacement or repair of all fire damaged buildings and structures remaining on the property according to a schedule approved by the Fire Chief.

C. **Section 204 "Definitions C"** is amended to read as follows:

"Chief of the Bureau of Fire Prevention" is the Fire Marshal of the City of Santa Barbara.

D. **Section 211 "Definitions J"** is amended to read as follows:

"Jurisdiction" is the City of Santa Barbara.

E. **Section 901.4.4 "Premise Identification"** is amended by adding the following:

901.4.4.1 Directory. For complexes and large buildings, an approved directory or premise map may be required at a location determined by the Fire Chief.

F. **Section 902 "Fire Department Access"** is amended to read as follows:

902.1 General. Fire Department access roads shall be provided and maintained in accordance with Sections 901 and 902.

For access to residential developments of three or more dwelling units, the Chief may be guided by Appendix III-D.

902.2 Fire Apparatus Access Roads.

902.2.1 Required Access. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every building hereafter constructed when any portion of an exterior wall of the first story of the facility is located more than 150 feet from fire department vehicle access as measured by an approved route around the exterior of the building or facility. See also Section 902.3 for personnel access to buildings.

Exceptions:

1. With the approval of the Fire Chief, upon the installation of recognized fire protection systems, such as fire sprinkler systems, the above required distance of 150 feet may be modified up to 250 feet. This exception applies to residential units only and only where such fire protection systems are not otherwise required by code or ordinance.

2. When fire apparatus access road cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the Chief is authorized to require additional fire protection as specified in Section 1001.9.

More than one fire apparatus access road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high piled combustible storage, see Section 8102.6.1. For required access during construction, alteration, or demolition of a building, see Section 8704.2.

902.2.2 Specifications.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. If a fire apparatus access road serves three or fewer single-family residential units, the required width may be reduced to not less than 16 feet upon the approval of the Fire Chief. Vertical clearances or widths shall be increased when, in the opinion of the Fire Chief, the required vertical clearances are not adequate to provide fire apparatus access.

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Such fire apparatus access roads shall be capable of supporting 60,000 pounds and shall be constructed of approved materials.

902.2.2.3 Turning radius. The turning radius of roadways shall be no less than 70 feet in diameter measured from outer edge to outer edge.

902.2.2.4 Dead ends. All dead-end fire apparatus access roads in excess of 300 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

902.2.2.5 Bridges. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with the applicable sections of the Uniform Building Code, as adopted by the Santa Barbara Municipal Code. It shall be designed by a licensed structural or civil engineer who shall certify its live load capacity will support a 60,000 pound fire apparatus. All bridges shall be of the minimum width required for access roadways.

Vehicle load limits shall be posted at both entrances to bridges when required by the Chief.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed a 16% grade.

902.2.2.7 Cross-slope. The cross-slope gradient shall not exceed 5%.

902.2.3 Marking. See Section 901.4.

902.2.4 Obstruction and control of fire apparatus access.

902.2.4.1 General. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under Section 902.2.2.1 shall be maintained at all times. Entrances to roads, trails, or other access ways that have been closed with gates and barriers in accordance with Section 902.2.4.2 shall not be obstructed by parked vehicles except for public officers acting within their scope of duty.

When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

902.2.4.2 Closure of accessways. Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner except when authorized by the Chief or by public officers acting within their scope of duty.

902.3 Access to Building Openings.

902.3.1 Required access. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the fire department.

An approved access walkway leading from fire apparatus access roads to exterior openings required by this code or the Building Code shall be provided when required by the Chief.

902.3.2 Maintenance of exterior doors and openings. Exterior doors or their function shall not be eliminated without prior approval by the Chief. Exterior doors which have been rendered nonfunctional and which retain a functional door exterior appearance shall have a sign affixed to the exterior side of such door stating THIS DOOR BLOCKED. The sign shall consist of letters having principal stroke of not less than 3/4 inch (19.1mm) wide and at least 6 inches (152.4 mm) high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. See Section 1207 for exit and exit-access doors.

For access doors for high-piled combustible storage, see Section 8102.6.2.

902.3.3 Shaftway marking. Exterior windows in buildings used for manufacturing or for storage purposes which open directly on shaftways or other vertical means of communication between two or more floors shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152.4 mm) high on a white background. Warning signs shall be easily discernible from the outside of the building. Door and window openings on such shaftways from the interior of the building shall be similarly marked with the word SHAFTWAY in a manner which is easily visible to anyone approaching the shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance.

902.3.4 Key Boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the Chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Chief.

G. **Section 903 "Water Supplies and Fire Hydrants"** is amended to read as follows:

903.1 General. Water supplies and fire hydrants shall be in accordance with Sections 901 and 903 as amended herein.

903.2 Required Water Supply for Fire Protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. Prior to development of a project, the Fire Chief may require the flow testing of fire hydrants adjacent to the proposed development in order to determine adequacy of fire flow.

903.3 Type of Water Supply. For the purposes of this section, an "approved water supply" shall mean the following:

1. **Residential Requirement.** All residential buildings containing ten (10) or less dwelling units shall be served by a fire flow of 750 gpm at a residual pressure of 20 psi when flowing. Fire-flow requirements may be modified downward by the Chief for isolated buildings or the installation of approved fire protection devices, but in no case shall the fire flow be less than 500 gpm at a residual pressure of 20 psi. Residential buildings containing eleven (11) or more dwelling units shall be served by fire flows in compliance with the commercial requirements below. Fire hydrants must be within 500 feet of the furthest exterior wall measured by way of personnel access.

2. **Commercial Requirement.** A fire flow of 1,250 gpm at a residual pressure of 20 psi when flowing will be required. Two hydrants nearest to the development that are within 600 feet of each other by way of a city street travel may be used to achieve the required 1,250 gpm as long as both hydrants when tested are flowing simultaneously and have an independent "t" minimum residual pressure of 20 psi at flow. One of these hydrants must be within 300 feet of the furthest exterior wall of the project and be a commercial type fire hydrant.

The Chief may require an increased fire flow due to the amount of risk presented by any project or situation. If an increased fire flow is required, the following formula will be used; three gallons per minute of fire flow will be required for each 100 cubic feet of building area.

903.4 Fire Hydrant Systems.

903.4.1 General.

903.4.1.1 Applicability. Fire hydrant systems and fire hydrants shall be in accordance with Section 903.4.

903.4.1.2 Testing and maintenance. Fire hydrant systems shall be subject to such periodic tests as required by the Chief. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

903.4.1.3 Tampering and obstruction. See Sections 1001.6 and 1001.7.

903.4.2 Required Installations. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved. See Appendix III-B.

Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 902.2.

903.4.3 Protection, marking and obstruction of hydrants. Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3. For marking, see Section 901.4.3. For obstruction, see Section 1001.7.

903.4.4 Maintenance and use of hydrants. See Sections 1001.5 and 1001.6.2.

H. **Section 1001.4 "Installation Acceptance Testing"** is amended by adding the following:

1001.4.1 Third Party Review. The Chief may require that all fire alarm systems, fire extinguishing systems (including automatic sprinklers) and appurtenances thereto, including engineering calculations for such systems, be approved by a qualified third party reviewer acceptable to the Chief prior to submittal of plans to the Fire Department or prior to Fire Department's approval of systems plans and calculations.

I. **Section 1003.2 "Required Installations"** is amended to read as follows:

1003.2.1 General. Notwithstanding any other provisions of this code or any other code or ordinance of the City of Santa Barbara to the contrary, automatic fire sprinkler systems shall be installed and maintained in operable condition in all buildings except residential buildings containing four (4) or less dwelling units or guest rooms, where:

1. A new building has a total floor area in excess of 5,000 square feet;

2. An existing building has a total floor area in excess of 5,000 square feet and a change is made in the character of occupancy or use of the building places the building in a different division of the same group of occupancies or in a different group of occupancies that is more hazardous based on life and fire risk than the existing occupancy or use;

3. An addition is made to an existing building so the total floor area of the building, including the addition, exceeds 5,000 square feet. In the case of such an addition to an existing building, the sprinkler system required by this section shall be provided for the existing building and the addition.

1003.2.1.1 Exception. The application of this section shall not prohibit the exercise of the option granted in Section 508 of the Uniform Building Code.

1003.2.1.2 Computation of Square Footage. For the purposes of Section 1003.2.1, the total floor area of buildings shall be computed without regard to area separation walls or floors.

1003.2.1.3 Approval. Automatic fire extinguishing systems required by this section shall be designed, installed, tested and maintained pursuant to the standards approved by both the Fire Chief and the Building Official.

J. **Section 1006.2.9.2 "Existing Group R Occupancies"** is amended by adding:

1006.2.9.2.4 General. All structures not conforming to this subsection shall be made to conform prior to the sale or transfer of title of said structure or the issuance of any permit by the Community Development Department for additions, alterations or repairs to said structure.

K. **Section 1006.2.9.3 "Smoke Alarms in Existing Group R Occupancies"** is amended to read as follows:

1006.2.9.3.1 General. Every existing dwelling unit, lodging house, hotel and motel shall have installed and maintained therein a California State Fire Marshal listed or U.L. listed detector(s) commonly known as "smoke detectors" that are powered by battery or house current.

1006.2.9.3.2 Installation. Approved single-station smoke [For SFM] alarms shall be installed in existing dwelling units, congregate residences, and hotel and lodging houseguest rooms.

1006.2.9.3.3 Locations within existing Group R Occupancies. In dwelling units, [For SFM] smoke alarms shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. Smoke alarms shall also be installed in the basement of dwelling units having a stairway, which opens, from the basement into the dwelling. In hotel, lodging house and congregate residence sleeping rooms, smoke alarms shall be located on the ceiling or wall of each sleeping room.

1006.2.9.3.4 Smoke Detectors. Upon sale or transfer of title of any residential dwelling unit, smoke detector(s) shall be installed in accordance with Sections 1006.2.9.3.2 and 1006.2.9.3.3.

1006.2.9.3.5 Mixed Use Occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the entire complex. In addition, a notification system shall be installed in a manner and location approved by the Chief that indicates the presence of residential dwelling units.

1006.2.9.3.6 Maintenance and Testing. The owner of each affected unit shall be responsible for installation, repair and maintenance and testing of all smoke detectors required by this section except that all long term (20 consecutive days or more) renters, lessees or other non-owner occupants shall be responsible for testing said smoke detector(s). In the event of test failure, the owner shall be responsible for the repair or replacement upon notification by the occupant, except that the occupant shall be responsible for battery replacement. Additionally, the owner of each affected rental dwelling shall be responsible for testing the smoke detector(s) within the unit upon a change of tenancy.

L. **Appendix I-A "Life Safety Requirements For Existing Buildings Other Than High Rise"** is amended by deleting Section 1.2, Effective Date, in its entirety.

M. **Appendix II-A, Section 17 "Suppression and Control of Hazardous Fire Areas – Clearance of Brush or Vegetative Growth from Roadways"** is amended by adding the following:

The owner, occupant or other person in control of any real property (vacant or developed) in, upon, or adjoining hazardous fire areas, and the owner, occupant or other person in control of real property adjacent to such property shall at all times:

1. Maintain an area cleared of flammable vegetation and other combustible growth for a distance of 10 feet on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided they do not form a means of readily transmitting fire.

2. Maintain an area cleared of all overhanging vegetation for a vertical clearance of not less than 13 feet 6 inches within the full portion of highways and private streets which are improved, designed or ordinarily used for vehicular traffic. The full portion shall include the drivable roadway and one foot on each side from the edge of the drivable roadway.

N. **Appendix II-A "Suppression and Control of Hazardous Fire Areas"** is amended by adding the following:

SECTION 25 - Suppression Equipment for Gasoline-Fueled Internal Combustion Engines

No person shall use or operate any portable saw, auger, drill, tamper or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest, brush, grass covered land, within 25 feet from any flammable material without providing at the immediate location a round point shovel or a 2A 10 BC fire extinguisher. The above tools shall at no time be farther than 25 feet, with unrestricted access, from the operator to the point of operation.

SECTION 26 - Spark Arresters

No person shall use or operate any internal combustion engine which operates on hydrocarbon fuels on any forest, brush, or grass covered land without providing, and maintaining in good working order, a spark arrester attached to the exhaust system.

A spark arrester is defined as a device constructed of non-flammable materials specifically for removing and retaining carbon and other flammable particles over 0.0232 inches in size from the exhaust flow of an internal combustion engine operated by hydrocarbons.

Except for motorcycles, vehicles equipped with a muffler as defined by the California Vehicle Code, such as motor trucks, truck tractors, buses, and passenger vehicles are not subject to the provisions of this section.

Spark arresters affixed to the exhaust of engines shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

O. **Appendix III-D, Section 6.1 "Fire Department Access Guidelines – Specifications - Grades"** is amended to read as follows:

Section 6.1 Grades. The gradient for Fire Department access roadways or streets shall be in accordance with UFC Section 902.2.2.6. The maximum grade allowed is 16 percent. In no case shall the gradient exceed the maximum approved.

P. **Appendix IV-B "Christmas Trees"** is amended by deleting Section 2, Permits, in its entirety. (Ord. 5257, 2002; Ord. 5100, 1999; Ord. 4964, 1996.)

8.04.030 Fire Prevention Development Standards

A. Fire Zone 2

Buildings or portions of buildings constructed within the boundaries of Fire Zone 2, as designated by the Fire Chief and shown on a map on file with the City Clerk and the Community Development Department, shall provide a ten thousand (10,000) gallon water tank to be used for fire protection purposes only, designed, installed and maintained in a manner approved by the Fire Chief, incorporating each of the following additional features in its construction:

1. All fire department access complies with the requirements of Section 902 of the Uniform Fire Code (2001 Edition) as amended by this Chapter; and
2. All plantings used for landscaping within one hundred feet (100') of any structure must be fire resistant; and
3. All native brush, shrubs and grasses are kept cleared to within one hundred feet (100') of any structure; and
4. Residential fire sprinklers are installed in any building used for sleeping or cooking according to National Fire Protection Association Residential Standards.

B. Mixed Use Occupancy Notification System

Signs shall be installed in a manner and in locations approved by the Chief indicating the presence of residential dwelling units in buildings of mixed-use occupancy. Required signs shall be clearly visible from the front of the building and conform to the following criteria:

1. All signs shall begin with the letter **R** followed by a hyphen.
2. **R** - shall be followed by cardinal numbers denoting the floors containing dwelling units. Example: **R-2** denotes dwelling units on the 2nd floor; **R-2-3** denotes dwelling units on the 2nd and 3rd floors.
3. Letters shall have a minimum of 3" high with a 1/2" wide stroke.
4. Letters shall contrast to their background.
5. Letters on glass shall be in reflective tape.
6. In the event that dwelling units are added or removed from floors, the required sign shall be updated prior to the occupancy of the altered floor space.

Example:

R-2

(Ord. 5257, 2002; Ord. 5100, 1999.)

8.04.040 Storage of Combustible or Explosive Materials.

A. Flammable or Combustible Liquids in Outside Aboveground Tanks. Storage of flammable or combustible liquids in outside aboveground tanks is prohibited on all parcels within the City of Santa Barbara, except those parcels in the M-1 (Manufacturing) and A-I (Airport Industrial) zones and in other areas as approved by the Fire Chief.

B. Liquefied Petroleum Gases.

1. General. The storage of liquefied petroleum gas is restricted to parcels in the M-1 (Manufacturing) and A-I (Airport Industrial) zones only.
2. Exception. Gasoline service stations as defined in Appendix VI-E of the Uniform Fire Code, as adopted and amended herein, may install a LPG tank and service area under a permit issued by the Fire Chief.

C. Explosives and Blasting Agents. Storage of explosives and blasting agents is restricted to the A-I (Airport Industrial) zone. (Ord. 5257, 2002; Ord. 5100, 1999.)

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Chapter 8.08

FIRE HAZARDS

Sections:

8.08.010	Enforcement by Fire Department Chief.	8.08.100	Chimney, Smoke Stack, Stove - Condition.
8.08.020	Inspection by Fire Department Chief.	8.08.110	Accumulation of Rubbish, Foliage, Grass - Disposal.
8.08.030	Hazard Determined - Order to Remedy by Chief.	8.08.120	Parcel of Land a Fire Hazard - Abatement.
8.08.040	Obstructing Egress With Flammables.	8.08.130	Notice to Remove and Abate.
8.08.050	Storage of Flammable Materials.	8.08.135	Contents of Notice to Abate.
8.08.060	Dumping Flammable Materials in Vacant Lots, Streets, Ditches.	8.08.140	Failure to Remove or Abate - City.
8.08.070	Depositing Ashes in Wooden Containers.	8.08.150	Removal and Abatement by City - Notice of Hearing to Owner.
8.08.080	Permit to Keep Certain Amount of Hay or Straw.	8.08.160	Hearing of Protests - Overrule - Assessment.
8.08.090	Portable Lanterns and Stoves Near Flammable Materials.	8.08.170	Penalties Cumulative.
		8.08.180	Nuisance Declared.
		8.08.190	Penalty for Violation.

8.08.010 Enforcement by Fire Department Chief.

It shall be the duty of the Chief of the Fire Department to see that all the provisions of this chapter and all other ordinances pertaining to the protection of the City from fire are strictly enforced, and to that end he and his deputies shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the same, and it shall be unlawful for any person upon his request or that of his deputy to refuse to permit such inspection. (Ord. 2819 §1(part), 1961.)

8.08.020 Inspection by Fire Department Chief.

It shall be the further duty of the Chief of the Fire Department or his duly authorized representative to inspect, as often as may be necessary, all building, premises and public thoroughfares, for the purpose of ascertaining and causing to be corrected any conditions contrary to the provisions and intent of this or any other ordinances of the City affecting the fire hazard, and it shall be unlawful for any person to refuse to allow such inspection, or in any manner to interfere therewith. (Ord. 2819 §1(part), 1961.)

8.08.030 Hazard Determined - Order to Remedy by Chief.

Whenever any officer or member of the Fire Department shall find upon any premises or other place, combustible or explosive matter, or dangerous accumulation of rubbish or unnecessary accumulation of waste, paper, boxes, shavings or any other flammable or combustible materials, and which is so situated as to endanger property, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises. The service of such order shall be made upon the owner of the premises by mailing it to the owner of the property by first class mail with the address as shown on the most recent assessment roll of the County of Santa Barbara. (Ord. 4201, 1983; Ord. 2819 §1(part), 1961.)

8.08.040 Obstructing Egress With Flammables.

It is unlawful for any person to keep or allow or permit to remain any explosive or inflammable compound, or combustible material of any kind near any doorway or stairway of any building, in such place or manner as to obstruct the same or render egress hazardous in case of fire. (Ord. 2819 §2, 1961.)

8.08.050 Storage of Flammable Materials.

It is unlawful for any person or persons to keep, or allow or permit to be kept, any waste, rags, paper, excelsior or other flammable substance liable by spontaneous combustion or otherwise, to cause a fire, and no receptacle containing such material or substance shall be kept or maintained outside of the property line, and packing material, such as excelsior, hay, paper or any other flammable material shall be removed from all packing cases, boxes, barrels, crates, etc., and all containers piled, stacked or stored in a neat and orderly manner and in such a position as not to endanger any property or premises by fire. (Ord. 2819 §3, 1961.)

8.08.060 Dumping Flammable Materials in Vacant Lots, Streets, Ditches.

It is unlawful for any person or persons to cause, or permit to be dumped, placed or be deposited in or upon any vacant lot, street, ditch or other place not officially designated as a public dumping ground, any weeds, rubbish, trimmings from trees, shrubbery, grass or other flammable material. It shall be unlawful for any person to keep, place or deposit, refuse on any public or private grounds or premises whatsoever, except in containers or receptacles for collection upon premises owned, occupied or under possession and control of such person, provided however, that lawn and garden trimmings may be composted in an excavation. (Ord. 2819 §4, 1961.)

8.08.070 Depositing Ashes in Wooden Containers.

It is unlawful for any person or persons to deposit any ashes, or cause or permit the same to be deposited or placed, or to permit or suffer the same to be or remain in any wooden vessel or receptacle, or in any vessel or receptacle composed of combustible material upon any premises under his or their control, but all such ashes shall be placed and kept in some safe repository or receptacle of galvanized iron or other incombustible material and not less than twelve inches (12") from any wooden building or inflammable structure, or when deposited on the ground the same must be not less than ten feet (10') from any wooden building or flammable structure, but then only after the same has been kept in a fireproof receptacle for at least forty-eight (48) hours after having been subject to heat. (Ord. 2819 §5, 1961.)

8.08.080 Permit to Keep Certain Amount of Hay or Straw.

It is unlawful for any person to keep for sale or to store or permit to be kept or stored on any property owned, occupied or under his control, any quantity of loose hay or straw of any kind, exceeding three (3) tons in weight, or any quantity of baled hay or straw in excess of ten (10) tons in weight, without first obtaining a permit from the Fire Marshal to do so. (Ord. 2819 §6, 1961.)

8.08.090 Portable Lanterns and Stoves Near Flammable Materials.

It is unlawful to use or maintain any portable light, lantern or stove in any building, structure, vehicle or boat, where any combustible, explosive or highly flammable materials are situated and exposed, unless such portable light or other such appliance be of a design or type approved by a recognized testing agency. (Ord. 2819 §7, 1961.)

8.08.100 Chimney, Smoke Stack, Stove - Condition.

It is unlawful for any person to maintain or permit to be maintained, any building or structure or appurtenances of fixtures thereto, or any chimney, smoke stack, oven or furnace or anything connected with such building or premises in a defective, insecure or unsafe condition so as to be liable to cause fire. (Ord. 2819 §8, 1961.)

8.08.110 Accumulation of Rubbish, Foliage, Grass - Disposal.

It is unlawful for the owner, tenant or person in control of any parcel of land within the City to allow or permit any accumulation of grass, brush, foliage, rubbish or any other combustible or inflammable material to accumulate or remain upon any such property, and which is a fire hazard to any property in the City, it shall be the duty of such owner of such parcel to forthwith clean up such parcel and dispose of all such material and take appropriate action to maintain the property "fire-hazard-free" after notification by the Fire Department to do so. (Ord. 4201, 1983; Ord. 2819 §9(part), 1961.)

8.08.120 Parcel of Land a Fire Hazard - Abatement.

It shall be the duty of the Chief of the Fire Department, or his duly authorized representative, whenever any parcel of land within the City is, by reason of the condition described in section 8.08.110 of this Code, a real or potential fire menace, or by reason of its flammable nature, a hazard to life or property, to immediately notify the owner to remove and abate the same. (Ord. 4201, 1983; Ord. 2819 §9(part), 1961.)

8.08.130 Notice to Remove and Abate.

The notice to remove and abate and maintain the property fire hazard free as referred to in Section 8.08.120 shall be in writing by mailing it to the owner of the property by first class mail with the address as shown on the most recent assessment roll of the County of Santa Barbara. (Ord. 4201, 1983.)

8.08.135 Contents of Notice to Abate.

The contents of the notice and attachments thereto mailed pursuant to section 8.08.130 shall include notice of the following:

(i) the Chief of the Fire Department, or his duly authorized representative, has determined that on the owner's property (identified by address and county assessor's parcel number) a fire hazard is maintained which must be abated or removed by the date as specified in the notice;

(ii) failure to so abate and remove and maintain "hazard free" beyond that date certain will result in the Chief of the Fire Department, or his duly authorized representative, authorizing the abatement and removal of the fire hazard at the owner's expense;

(iii) said owner shall be billed for the City's expense incurred, in authorizing the abatement and removal of the hazard, including administrative expenses to abate and remove the fire hazard and expenses incident to securing payment from owner for same;

(iv) any assessment for the abatement and removal not timely paid by owner shall be presented to the City Council at a date and time certain for consideration at which time said owner, or his lawful representative, may appear to protest or contest the assessment;

(v) the City Council, after presentation by the Chief of the Fire Department and any protest by a parcel owner, may direct the filing of a lien against the owner's property from which the fire hazard was abated and removed by the City, which will be payable through the annual tax rolls. (Ord. 4201, 1983.)

8.08.140 Failure to Remove or Abate - City.

If such owner of said parcel of land cannot be reached by mail or when so notified by mailing as aforesaid, fails, refuses or neglects to remove or abate and maintain the parcel so as to prevent the reoccurrence of said hazardous condition within 20 days following the date of such service, the Chief of the Fire Department shall forthwith remove, or cause to be removed, such hazard by whatever means the City Council shall direct. (Ord. 4201, 1983; Ord. 2819 §9(part), 1961.)

8.08.150 Removal and Abatement by City - Notice of Hearing to Owner.

Upon completion of the work of removal and abatement of such fire hazard, the Chief of the Fire Department shall promptly report the actual cost of such work to the City Council, and thereupon the City Clerk shall mail or cause to be mailed to the owner of such parcel of land, as shown by the current City Tax Assessment Roll, a copy of such cost report together with a notice of hearing before a regular meeting of the City Council not less than ten (10) days after the date of mailing of such report and notice. (Ord. 2819 §9(part), 1961.)

8.08.160 Hearing of Protests - Overrule - Assessment.

At the time so set for such hearing, the City Council shall hear and determine all protests of such owner or other interested parties, and in the event such protest or protests be overruled by the Council, the Council may thereupon order the cost, or such portion thereof as it deems just, assessed against such parcel of property and collected as in the case of ordinary taxes. (Ord. 2819 §9(part), 1961.)

8.08.170 Penalties Cumulative.

The foregoing procedure for removal and abatement of such fire hazard as in this chapter provided, shall be cumulative and in addition to any other remedy or penalty herein or otherwise authorized by law. (Ord. 2819 §9(part), 1961.)

8.08.180 Nuisance Declared.

Each of the hazardous conditions and things hereinabove described and prohibited in Sections 8.08.040 through 8.08.170 constitute a public nuisance and the same shall be abated in the manner herein set forth. (Ord. 2819 §10, 1961.)

8.08.190 Penalty for Violation.

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor. (Ord. 4201, 1983; Ord. 2819 §11, 1961.)

Chapter 8.16

FIRE PERMITS

Sections:

8.16.010	Definitions.	8.16.110	Fees.
8.16.020	Permits Required.	8.16.120	Collection.
8.16.030	Separate Permits Required.	8.16.130	Fee Exempt Permits.
8.16.040	Application.	8.16.140	Duplicate Permits.
8.16.050	Granting - Investigation.	8.16.150	Inspection Rights - Fire Department.
8.16.060	Power to Deny.	8.16.160	Fire Clearance - Exceptions - Record.
8.16.070	Certificate of Occupancy - Prerequisite.	8.16.170	Authority to Stop Work.
8.16.080	Transferability - Ownership - Location.	8.16.180	Penalties.
8.16.090	Expiration.		
8.16.100	Power of Revocation and Suspension.		

8.16.010 Definitions.

As used herein "Chief of the Fire Department" or "Fire Chief" shall mean the Fire Chief of the City or a member of the Fire Department designated by him. (Ord. 3187 §1, 1966.)

8.16.020 Permits Required.

Except as herein provided, no person shall establish, operate, maintain or use any building, structure, room, parcel of land or premises for any purpose other than for purposes of a single-family dwelling, two-family dwelling, or an apartment house, or for purposes incidental thereto, without having a permit then in effect issued under this chapter. No permit shall be required for any business or occupancy in existence prior to the effective date of Ordinance No. 3187, codified in this chapter. Only one (1) permit shall be required for all buildings or structures operated by the same person at the same location as a laboratory. (Ord. 3187 §2, 1966.)

8.16.030 Separate Permits Required.

A permit issued under the provisions of this chapter shall be valid only for the person in whose name it is issued, and for the location shown on the permit. Separate locations require separate permits unless otherwise specified. (Ord. 3187 §3, 1966.)

8.16.040 Application.

(a) Filing. All applications for permits required by this chapter shall be filed with the City Treasurer and shall be in writing on forms provided by the Treasurer. Such applications shall be accompanied by the fire permit fees required in Section 8.16.110.

(b) Contents. Applications for permits required by this chapter shall, unless otherwise required by the Fire Department, contain the following information:

- (1) The name and address of the applicant;
- (2) A description of the property by street and number wherein or whereon the applicant proposes to engage in the business, operation or occupation for which the permit is required, and if the same has no street number, then such description as will enable it to be easily located;
- (3) A statement signed by the applicant or his authorized representative, signifying that the applicant is in charge of such business, operation or occupation of premises, and agrees to comply with all regulations, laws and ordinances pertaining thereto;
- (4) Applications for permits to store, process or use hazardous materials shall state thereon the maximum aggregate quantity of such materials which the applicant intends to store, process or use at any time;
- (5) Applications for permits for institutional occupancies or assemblage occupancies shall state thereon the maximum capacity for which the permit is requested. (Ord. 3187 §4, 1966.)

8.16.050 Granting - Investigation.

(a) The Fire Marshal shall cause an investigation to be made of every application for a permit, and such investigation shall be made by authorized members of the Fire Department.

(b) The Fire Marshal may require such additional information as may be necessary to carry out the investigation of the application for a permit.

(c) If, after investigation and consideration of any application and of any plans or specifications required in connection therewith, it shall be determined that the proposed business, operation, occupation or premises will not create any undue hazard as a result of fire or panic, and will comply with all requirements of this chapter and all other relevant laws, the authorized Fire Department representative shall approve the application.

(d) The Fire Department approval of the application may be made subject to such terms and conditions as may be necessary for the safeguarding of life and property from the hazards of fire, explosion or panic.

(e) Upon approval of the application by the Fire Department, and payment of the required fees, as set forth in Section 8.16.110, the City Treasurer shall issue the permit. (Ord. 3187 §5(part), 1966.)

8.16.060 Power to Deny.

The Chief of the Fire Department, in his discretion, is hereby empowered to deny or withhold approval of a permit for which an application has been made if the building, persons, premises, equipment, apparatus, vehicle or reasonable facilities for the establishing, maintaining, conducting or operating the business, operation, occupation or premises for which the permit is requested, is insufficient or unfit or incapable of being used, maintained, established or operated to comply with this chapter or other applicable laws, including but not limited to the Uniform Fire Code as adopted by the City. (Ord. 3187 §5(part), 1966.)

8.16.070 Certificate of Occupancy - Prerequisite.

A permit shall not be issued or granted unless a building permit has been issued by the Building Department for the building or structure, or the approval of the Building Department is obtained for the proposed use. (Ord. 3187 §5(part), 1966.)

8.16.080 Transferability - Ownership - Location.

(a) Transfer of ownership. No permit shall be transferable except where the business, operation, occupation or premises for which the permit is issued, is transferred, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the real or ultimate ownership existing before the transfer. For the purposes of this section, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity herein defined to be a person, are regarded as having the real or ultimate ownership of such corporation or other entity.

(b) Change of location. Any change of location for any business, operation, occupation or premises shall require filing of a new application and payment of the applicable fee. (Ord. 3187 §6, 1966.)

8.16.090 Expiration.

Unless otherwise set forth on the face of the permit, every permit issued in accordance with the provisions of this chapter shall be good until voided, revoked or suspended. (Ord. 3187 §7, 1966.)

8.16.100 Power of Revocation and Suspension.

(a) By the Chief of the Fire Department. Notwithstanding any other provisions of this chapter to the contrary, the Chief of the Fire Department shall have the power to revoke or suspend any permit, at his discretion, upon proof to the satisfaction of the Chief of the Fire Department of violation by the permittee of the provisions of this chapter, any other applicable law, or the terms and conditions of any permit as may be specified under the authority of this chapter. Such revocation or suspension shall be made in accordance with the provisions of this chapter.

(b) Revocation. Whenever any person fails to comply with any provisions of this chapter or other fire prevention ordinance, the Chief of the Fire Department, upon hearing after giving such person ten (10) days notice in writing, specifying the time and place of hearing and requiring him to show cause why his fire permit should not be revoked for such failure, may revoke or suspend any one (1) or more of the fire permits held by such person. The notice shall be served in person or by registered mail to his last address. The determination of the Chief of the Fire Department shall be final.

(c) Operation after revocation or suspension. Any person who engages in any business, operation or occupation, or uses any premises after the fire clearance issued therefor has been suspended or revoked pursuant to the provisions of this section, and before such suspended permit has been reinstated or a new permit issued, shall be guilty of a misdemeanor. (Ord. 3187 §8, 1966.)

8.16.110 Fees.

"The permits and plan reviews required under the provisions of this chapter shall be those enumerated in the Uniform Fire Code as adopted and amended from time to time by the City. The amount of fees for such permits and plan reviews shall be established by resolution of the City Council. Copies of said Code and resolution are on file in the City Clerk's Office. (Ord. 4070, 1980; Ord. 3187, 1966.)

8.16.120 Collection.

All permit fees required by this chapter shall be paid in lawful money of the United States and shall be collected by the City Treasurer. (Ord. 3187 §9(1), 1966.)

8.16.130 Fee Exempt Permits.

Upon application, fee exempt permits shall be issued to the following without the payment of fees prescribed by this chapter: United States Government, State of California, County of Santa Barbara, City of Santa Barbara, Santa Barbara City School Districts, any municipal corporation, department or office thereof. (Ord. 3187 §9(part), 1966.)

8.16.140 Duplicate Permits.

Duplicate permits may be issued by the City Treasurer to replace any previously issued permit which has been lost or destroyed upon filing an affidavit by the holder of the permit or authorized representative attesting to such fact and upon paying to the City Treasurer a fee of one dollar (\$1.00) therefor. (Ord. 3187 §9(part), 1966.)

8.16.150 Inspection Rights - Fire Department.

The Chief of the Fire Department and all of his deputies shall have the power and authority to enter, free of charge, at all reasonable times, any premises or place of business which requires fire clearance under the provisions of this chapter, and to demand exhibition of a fire clearance and evidence of amount of fee paid. Any person having a fire clearance heretofore issued in his possession or under his control who fails to exhibit the same as well as evidence of amounts of fees paid, on demand, shall be guilty of a misdemeanor. (Ord. 3187 §9(part), 1966.)

8.16.160 Fire Clearance - Exceptions - Record.

A record of fire clearance and exceptions which may be granted in accordance with the provisions of this chapter shall be maintained by the Fire Marshal. Such record shall be available for public inspection at the Office of the Fire Prevention Bureau. (Ord. 3187 §9(part), 1966.)

8.16.170 Authority to Stop Work.

Whenever any construction or installation work is being performed in violation of the plans and specifications as approved by the Fire Department, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation, and no work shall be done on that portion until the violation has been corrected. (Ord. 3187 §10, 1966.)

8.16.180 Penalties.

(a) Any person who shall violate any of the provisions of this chapter hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars (\$300.00), or by imprisonment for not more than one hundred and fifty (150) days, or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 3187 §11, 1966.)

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Chapter 8.20

VEGETATION OBSTRUCTING PUBLIC PLACES

Sections:

8.20.010	Definitions.	8.20.130	Overruling Objections.
8.20.020	Administrative Regulations - Director's Authority to Adopt.	8.20.140	Abatement Pursuant to Council Order.
8.20.030	Regulations to go into Effect.	8.20.150	Entry to Abate.
8.20.040	Amendments and Numbering.	8.20.160	Abatement Before Arrival.
8.20.050	Regulations Made Public in Office of Director.	8.20.170	Report - Costs - Notice of Hearing.
8.20.060	Obstruction Declared a Nuisance.	8.20.180	Form of Notice of Assessment Hearing.
8.20.070	Duty to Prevent Obstruction.	8.20.190	Hearing on Report - Confirmation.
8.20.080	Failure to Prevent Obstruction a Misdemeanor.	8.20.200	Confirmed Report to City Treasurer - Assessment and Lien - Collection.
8.20.090	Abatement of Obstruction - Notice - Posting.	8.20.210	Alternative Procedure.
8.20.100	Notice of Abatement - Contents - Procedure.	8.20.220	Other City and State Laws.
8.20.110	Form of Notice to Abate Obstruction.	8.20.230	Bermuda, Etc., Grass in Gutters, Etc., a Nuisance.
8.20.120	Hearing of Objections by City Council.	8.20.240	Grass, Rubbish, Etc., Obstructing Sidewalks.

8.20.010 Definitions.

As used in this chapter:

(1) "Obstruction" means trees, hedges, shrubs, vines or plants or any combination of them, in or adjacent to any public street or place, which will touch or impede any person or vehicle passing or using such public street or place in any ordinary manner, or which interfere with the clear view of persons or vehicle operators using, entering or leaving such public street or place in an ordinary manner so as to make such use, entrance or leaving more difficult or hazardous and thereby increase the danger to persons or property.

(2) "Maintain" means to cut, clear, trim, remove or carry away, as is appropriate to the situation.

(3) "Director" means Director of the Public Works Department, or his delegate. (Ord. 2996 §2(part), 1964; prior Code §39.44.)

8.20.020 Administrative Regulations - Director's Authority to Adopt.

The Director, from time to time, may adopt administrative regulations designed to carry out the purposes and make more specific the provisions of this division. Prior to the adoption of such regulations, the Director may hold one (1) or more hearings on the proposed regulations. The original of all regulations adopted pursuant to this section shall be certified as to date of adoption over the Director's signature. (Ord. 2996 §2(part), 1964; prior Code §39.45(a).)

8.20.030 Regulations to go into Effect.

Regulations adopted pursuant to this section shall be in effect upon and after their publication in a daily newspaper of general circulation in the City. (Ord. 2996 §2(part), 1964; prior Code §39.45(b).)

8.20.040 Amendments and Numbering.

Regulations adopted and placed into effect pursuant to this section shall be consecutively numbered and may be amended, replaced, or repealed in the same manner as originally enacted. (Ord. 2996 §2(part), 1964; prior Code §39.45(c).)

8.20.050 Regulations Made Public in Office of Director.

Copies of current regulations adopted and placed into effect pursuant to this section shall be made available to the public in the Office of the Director. (Ord. 2996 §2(part), 1964; prior Code §39.45(d).)

8.20.060 Obstruction Declared a Nuisance.

Every obstruction is hereby declared to be a public nuisance. (Ord. 2996 §2(part), 1964; prior Code §39.46.)

8.20.070 Duty to Prevent Obstruction.

Every owner, possessor or person in control of any lot or parcel of real property or any portion of any lot or parcel of real property, which lot or parcel, or portion thereof, abuts any public street or place, shall maintain all trees, hedges, shrubs, vines and plants upon such real property and upon the abutting public street or place between such real property and the improved surface of such street or place so as to prevent such trees, hedges, shrubs, vines or plants from becoming or continuing to be obstructions. (Ord. 2996 §2(part), 1964; prior Code §39.47(a).)

8.20.080 Failure to Prevent Obstruction a Misdemeanor.

Any owner, possessor or person in control of any lot or parcel of real property or any portion of any such lot or parcel who fails, neglects or refuses to carry out the duty prescribed by Section 8.20.070, or as such duty may be made more specific by regulations adopted pursuant to Sections 8.20.020 - 8.20.050 is guilty of a misdemeanor. (Ord. 2996 §2(part), 1964; prior Code §39.47(b).)

8.20.090 Abatement of Obstruction - Notice - Posting.

Upon the failure, neglect or refusal of any owner, possessor or person in control of any lot or parcel of real property or any portion of any lot or parcel of real property, to maintain any trees, hedges, shrubs, vines or plants so as to prevent obstruction as required in this chapter, a notice to abate obstruction, substantially in the form provided in this chapter, may be mailed by the Director, postage prepaid, to the owner whose name appears as the owner on the last equalized assessment roll of the City available on the date the notice is mailed; and, in addition, not less than one (1) copy of such notice shall be conspicuously posted upon the property not less than twenty-four (24) hours after such mailing. A copy of the notice shall be immediately forwarded to the City Clerk. (Ord. 2996 §2(part), 1964; prior Code §39.48(a).)

8.20.100 Notice of Abatement - Contents - Procedure.

The notice to abate obstruction shall be dated, shall be directed to the owner, possessor or person in control, shall describe the lot or parcel by street address, if any, and by the designation shown by the official City parcelling maps, shall set forth in general terms what must be done to abate the obstruction, shall set a date and place not more than fifteen (15) nor less than five (5) days from the date of the notice at which the City Council will hear objections to the proposed abatement, and shall state that if the work of abatement is not commenced on or before the day following the date for hearing before the City Council and diligently prosecuted to completion within five (5) days thereafter, the work shall be done by the City or under its direction, and the cost thereof, together with administrative costs, will be made a lien and special assessment against the property, until paid. (Ord. 2996 §2(part), 1964; prior Code §39.48(b).)

8.20.110 Form of Notice to Abate Obstruction.

The "notice to abate obstruction" shall be in substantially the following form, the heading of which shall be in letters not less than one inch (1") in height:

NOTICE TO ABATE OBSTRUCTION

(Vegetation obstructing public street or place)

NOTICE is hereby given to the owner, possessor or person in control of the real property within the City of Santa Barbara located at _____ (Street address, if any) _____ and described in the official City parcelling maps as Parcel No. _____, that certain of the trees, shrubs, hedges, vines or plants upon the property described above or in the public street or place abutting it constitute an obstruction, as defined and regulated by Chapter 8.20, Code of the City of Santa Barbara, which must be abated by:

(statement in general terms of work required)

Unless the City Council provides otherwise, if such work is not commenced on or before one (1) day following the date set out below for hearing before the City Council, and thereafter completed within five (5) days, such obstruction will be abated by the City or under its direction and the costs of such abatement work, together with the costs of administration, will be made a lien and special assessment against the property, until paid.

Any owner, possessor or person in control of the property having any objection to the proposed abatement, is hereby notified to attend a meeting of the City Council of the City of Santa Barbara, in the Council Chambers, City Hall, Santa Barbara, California, on _____, 19 ____, where, at _____.m., or as soon thereafter as the business of the Council permits, such objections will be heard and given due consideration.

Dated this ____ day of _____, 19 ____.

Director, Public Works Department
City of Santa Barbara
State of California

(Ord. 2996 §2(part), 1964; prior Code §39.49.)

8.20.120 Hearing of Objections by City Council.

On the date set forth in the notice to abate obstruction, the City Council shall hear and consider objections to the proposed abatement of obstruction and may, to enable the Council to properly and fully consider the matter, order that the hearing be continued to a date certain and that the date of commencement of the work by the owner, possessor or person in control be commensurately postponed. (Ord. 2996 §2(part), 1964; prior Code §39.50(a).)

8.20.130 Overruling Objections.

By motion or resolution at the conclusion of the hearing, the City Council shall allow or overrule any objections. At such time, if the objections have been overruled, the City Council, by motion or resolution, shall either order the Director to have City forces carry out the proposed abatement work or direct and authorize the Director to cause such work to be carried out by a qualified and licensed private firm or individual. (Ord. 2996 §2(part), 1964; prior Code §39.50(b).)

8.20.140 Abatement Pursuant to Council Order.

After the period has passed within which the owner, possessor or person in control was to have completed the work involved in the abatement of the obstruction, the Director shall cause the obstruction to be abated without unnecessary delay pursuant to and in accord with the order or directive of the City Council. (Ord. 2996 §2(part), 1964; prior Code §39.51.)

8.20.150 Entry to Abate.

The person or persons authorized to abate the obstruction may enter upon private property to carry out and complete the necessary work involved. (Ord. 2996 §2(part), 1964; prior Code §39.52.)

8.20.160 Abatement Before Arrival.

At any time up to the arrival of the Director or other authorized person or persons, the owner, possessor or person in control may abate the obstruction nuisance at his own expense. (Ord. 2996 §2(part), 1964; prior Code §39.53.)

8.20.170 Report - Costs - Notice of Hearing.

Upon completion of the work of the abatement of the obstruction nuisance, the Director shall promptly submit a report to the City Council, for confirmation, which shall include:

- (1) A copy of the notice to abate obstruction;
- (2) The name and address of the owner to whom the notice was mailed;
- (3) The date upon which the notice was mailed;
- (4) The date upon which the notice was posted;
- (5) The date or dates upon which the City Council held a hearing pursuant to such notice;
- (6) The disposition of the matter by City Council at the conclusion of such hearing;
- (7) The date or dates upon which the abatement work was carried out, and by whom; and
- (8) The actual cost of the abatement work and the costs of administration to date. (Ord. 2996 §2(part), 1964; prior Code §39.54(a).)

8.20.180 Form of Notice of Assessment Hearing.

Upon receipt of such report, the City Clerk shall mail or cause to be mailed a copy of such report, postage prepaid, together with an attached notice of assessment hearing to the owner of the property. The notice of assessment hearing shall be in substantially the following form:

NOTICE OF ASSESSMENT HEARING

NOTICE is hereby given you as the owner of the real property which is the subject of the attached report, that on _____, 19 ____, in the Council Chambers of City Hall, Santa Barbara, California, at _____.m., o'clock, or as soon thereafter as the business of the Council permits, the City Council of the City of Santa Barbara will receive the attached report and confirm it in its present form or as it may be modified. Upon confirmation the report will be forwarded to the City Treasurer and Tax Collector, whereupon the amount of abatement and administration costs will be added to the assessment rolls as a special assessment against the property and become a lien against the property for such amount. Collection and enforcement will thereafter be made in the same manner provided for ordinary municipal taxes.

You are hereby further notified that at the time and place above set forth, the City Council will hear and give due consideration to any protest or objection you may have to such report and to the assessment of your property for abatement and administration costs.

Dated this ____ day of _____, 19 ____.

City Clerk, City of Santa Barbara, State of California

(Ord. 2996 §2(part), 1964; prior Code §39.54(b).)

8.20.190 Hearing on Report - Confirmation.

The notice of assessment hearing shall prescribe a hearing date not less than five (5) nor more than fifteen (15) days from the date the notice is mailed. At the time and date set for receiving the report and hearing any protests or objections, the City Council shall hear such protests or objections, modify the report if it is deemed necessary, and confirm it, as modified, by motion or resolution. (Ord. 2996 §2(part), 1964; prior Code §39.55.)

8.20.200 Confirmed Report to City Treasurer - Assessment and Lien - Collection.

After confirmation of the report, a copy shall be forwarded to the City Treasurer and Tax Collector who shall enter such cost amount as may have been confirmed as a special assessment against the property. From the time the entry is made, the amount shall constitute a lien on such property for the amount of the assessment until paid. Thereafter, such amount shall be added to the next regular tax bill and be collected at the same time and in the same manner as ordinary municipal taxes, and if delinquent, shall be subject to the same penalties and procedure for foreclosure and sale provided for ordinary municipal taxes. (Ord. 2996 §2(part), 1964; prior Code §39.56.)

8.20.210 Alternative Procedure.

The proceedings provided in this chapter for the abatement of obstruction nuisances are an alternative to any other procedure which now or hereafter may exist by City ordinance or by the general laws of the State of California, including, without limitation, remedy by way of injunctive relief upon proof of the facts giving rise to the obstruction. (Ord. 2996 §2(part), 1964; prior Code §39.57.)

8.20.220 Other City and State Laws.

Whenever any other City or State law in effect and applicable to the same matters or things made the subject of any or all of this chapter, the more stringent prohibition, regulation or other control shall prevail. (Ord. 2996 §2(part), 1964; prior Code §39.58.)

8.20.230 Bermuda, Etc., Grass in Gutters, Etc., a Nuisance.

The word "gutter" as used in this section means only those gutters which now or may hereafter exist at the sides of traveled streets in the City or intersecting the same.

The growth or deposit of Bermuda, Sandwich Island, or Island grass, cynodon dactylon, on or in any gutter or on or in any traveled street in the City is hereby declared to be a public nuisance.

No person shall place, throw or deposit any such grass or the roots thereof, in any gutter or any traveled street of the City. (Prior Code §39.4.)

8.20.240 Grass, Rubbish, Etc., Obstructing Sidewalks.

The growth or existence of grass, weeds, rubbish or impediments to travel of any kind upon any sidewalk in the City, between the property line adjacent thereto and the line of the street curb, is hereby declared to be a public nuisance. No owner, lessee, occupant, or person in charge of any real estate shall permit the existence on or over the sidewalk in front of such property, of all or any of the things declared to be a public nuisance by this section.

The Superintendent of Streets shall, in writing, notify any person guilty of the violation of any of the provisions of this section to abate the nuisance, specifying it, within ten (10) days from the service of such notice. If such nuisance be not abated within such time, the Superintendent shall abate such nuisance at the cost of the City, the cost and expense thereof shall be collectable from the person so notified, by action in the proper court on suit of the City. (Prior Code §39.16.)

Chapter 8.24

WEED ABATEMENT

Sections:

8.24.010	Certain Weeds on Private Property Declared a Nuisance.	8.24.070	Ordering Street Superintendent to Abate - Property Owner May Abate Before City Begins Work.
8.24.020	Description of Property in Resolution Declaring Nuisance.	8.24.080	Report of City's Expenses.
8.24.030	Resolution May Cover Several Parcels.	8.24.090	Hearing on and Confirmation of City's Costs - Costs to be Liens - Collecting Costs.
8.24.040	Posting and Form of Notice to Abate.		
8.24.050	Time for Posting Notice to Abate.		
8.24.060	Council to Hear Objections to Proposed Removal - Jurisdiction to Destroy.		

8.24.010 Certain Weeds on Private Property Declared a Nuisance.

All weeds growing upon private property within the City which bear seeds of a wingy or downy nature, or attain such a growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, may be declared to be a public nuisance by resolution of the City Council and thereafter abated. (Prior Code §20.69.)

8.24.020 Description of Property in Resolution Declaring Nuisance.

The resolution adopted pursuant to Section 8.24.010 shall describe the property upon which the nuisance exists by giving the lot and block number of the same according to the official map or to the assessment map of the City used for describing property on tax bills and no other description of the property shall be required. (Prior Code §20.70.)

8.24.030 Resolution May Cover Several Parcels.

Any number of parcels of property may be included in one and the same resolution declaring the nuisance. (Prior Code §20.71.)

8.24.040 Posting and Form of Notice to Abate.

After the passage of the resolution as provided by Sections 8.24.020 and 8.24.030, the Street Superintendent shall cause to be conspicuously posted in front of the property on which the nuisance exists at not more than one hundred feet (100') in distance apart, and not less than three (3) in all, notices headed: "Notice to destroy weeds". Such heading shall be in letters not less than one inch (1") in height and the notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS

NOTICE IS HEREBY GIVEN, that the ____ day of _____, 19____, the City Council passed a resolution declaring that noxious or dangerous weeds were growing upon property in this City more particularly described in such resolution, and that the same constitutes a public nuisance which must be abated by the removal of such noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the Street Superintendent of this City in which case the cost of such removal, together with incidental expenses, shall be assessed upon the lots and lands from which such weeds are removed, and such costs and incidental expenses will constitute a lien upon such lots or lands until paid. Reference is hereby made to such resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the City Council of this City to be held on the ____ day of _____, 19____, at the Council Chamber in the City Hall of this City, when their objections will be heard and given due consideration.

Dated this ____ day of _____, 19____.

Street Superintendent

(Prior Code §20.72.)

8.24.050 Time for Posting Notice to Abate.

The notice mentioned in Section 8.24.040 shall be posted at least five (5) days prior to the time stated therein for hearing objections by the City Council. (Prior Code §20.73.)

8.24.060 Council to Hear Objections to Proposed Removal - Jurisdiction to Destroy.

At the time stated in the notice posted pursuant to Sections 8.24.040 and 8.24.050, the Council shall hear and consider all objections or protests, if any, to the proposed removal of weeds found by resolution to be a nuisance, and may continue the hearing from time to time. Upon the conclusion of the hearing the Council by motion or resolution shall allow or overrule any or all objections, whereupon the Council shall be deemed to have acquired jurisdiction to proceed and perform the work of removal. The decision of the Council on the matter shall be deemed final and conclusive. (Prior Code §20.74.)

8.24.070 Ordering Street Superintendent to Abate - Property Owner May Abate Before City Begins Work.

After final action has been taken by the Council under Section 8.24.060 on the disposition of any protests or objections, or in case no protests or objections have been received, the Council, by motion or resolution, shall order the Street Superintendent to abate the nuisance considered pursuant to the preceding section by having the weeds referred to in Section 8.24.010 removed and he and his assistants or deputies are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such weeds removed at his own expense; providing, the same is done prior to the arrival of the Street Superintendent or his representatives prepared to do the same. (Prior Code §20.75.)

8.24.080 Report of City's Expenses.

The Street Superintendent shall keep an account of the cost of abating the nuisance as provided by the preceding section on each separate lot or parcel of land where the work is done by him or his deputies, together with the cost of printing and posting notices, and shall render an itemized report in writing to the Council showing the cost of removing such nuisance on each separate lot or parcel of land together with such printing and posting; provided, that before such report is submitted to the Council, a copy of the same shall be posted for at least three (3) days prior thereto on or near the chamber door of the Council, together with a notice of the time when such report shall be submitted to the Council for confirmation. (Prior Code §20.76.)

8.24.090 Hearing on and Confirmation of City's Costs - Costs to be Liens - Collecting Costs.

At the time fixed for receiving and considering the report required by Section 8.24.080, the Council shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating the nuisance giving rise to the report and thereupon make such modifications in the report as they deem necessary, after which, by motion or resolution, the report shall be confirmed. The amount of the cost for abating such nuisance upon the various parcels of land mentioned in the report shall constitute special assessments against the respective parcels of land and as thus made and confirmed shall constitute a lien on such property for the amount of such assessments, respectively.

After confirmation of such report, a copy thereof shall be turned over to the Assessor and the Tax Collector of the City, whereupon it shall be the duty of such officers to add the amounts of the respective assessments to the next regular bills for taxes levied against the respective lots and parcels of land involved for municipal purposes and thereafter such amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. (Prior Code §20.77.)